

IN THE MATTER OF)
 CR. NOS. 05-00190-01 JMS and)
 CR. NOS. 06-00406 JMS)

UNITED STATES OF AMERICA)
 v.)
 JOSE DIAZ,)
 Defendant)

AFFIDAVIT OF PUBLICATION

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

DEC 11 2007

at 12:00 PM 35 P 1
 SUE BRITIA, CLERK

STATE OF HAWAII)
) SS.
 City and County of Honolulu)

Rose Mae Rosales being duly sworn,
 deposes and says that she is a clerk, duly authorized to
 execute this affidavit of MidWeek Printing, Inc., publisher
 of MidWeek and the Honolulu Star-Bulletin, that said
 newspapers are newspapers of general circulation in the
 State of Hawaii, and that the attached notice is true notice
 as was published in the aforementioned newspapers as
 follows:

MidWeek _____ times on _____

Honolulu Star-Bulletin 3 times on _____
11/23/2007, 11/30/2007, 12/07/2007

And that affiant is not a party to or in any way interested in
 the above entitled matter.

Subscribed to and sworn before me this 7th day
 of DECEMBER A.D. 2007

Justin K. Reese
 Notary Public of the First Judicial Circuit
 State of Hawaii

My commission expires October 07, 2010

Ad# 03513041

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA v. JOSE DIAZ, defendant.
 Cr. No. 05-00190-01 JMS and 06-00406 JMS.

NOTICE IS HEREBY GIVEN that on November 6, 2007,
 in the above-captioned case, the United States District
 Court for the District of Hawaii entered a Preliminary
 Order of Forfeiture condemning and forfeiting the interest
 of Jose Diaz in the below listed properties and
 condemning and forfeiting the properties to the United
 States of America:

Thirty Thousand Two Hundred Dollars (\$30,200) in
 United States Currency; and

Fourteen Thousand Eight Hundred Seventy-Three
 Dollars (\$14,873) in United States Currency.

YOU ARE HEREBY NOTIFIED that the United States
 intends to dispose of these properties in such a manner
 as the United States Department of Homeland Security
 and the United States Postal Service may direct.

Pursuant to 21 U.S.C. § 853 (n) (1), if you have a
 legal interest in these properties, WITHIN THIRTY (30)
 DAYS of the final publication of this notice or of receipt
 of actual notice, whichever is earlier, you must petition
 the United States District Court for the District of Hawaii,
 300 Ala Moana Boulevard, Room C-338, Honolulu,
 Hawaii 96850, for a hearing to adjudicate the validity of
 your alleged legal interest in these properties. If a
 hearing is requested, it shall be held before the Court
 alone, without a jury.

THE PETITION must be signed by the petitioner under
 penalty of perjury, as established in 28 U.S.C. § 1746,
 and shall set forth the nature and extent of your right,
 title and interest in each item of properties, the time and
 circumstances of your acquisition of the right, title or
 interest in the properties and any additional facts
 supporting your claim and the relief sought.

A copy of the petition should be served on Assistant
 United States Attorney Rachel S. Moriama, 300 Ala
 Moana Boulevard, Room 6-100, Honolulu, Hawaii
 96850.

Pursuant to 21 U.S.C. § 853 (n) (2), NEITHER A
 DEFENDANT IN THE ABOVE-STYLED CASE NOR HIS AGENT
 IS ENTITLED TO FILE A PETITION

ANY HEARING on your petition shall, to the extent
 practicable and consistent with the interests of justice,
 be held within thirty (30) days of the filing of your
 petition. The Court may consolidate your hearing on the
 petition with any other hearings requested on any other
 petitions filed by any other person other than the
 defendants named above.

YOU HAVE THE RIGHT at the hearing to testify and
 present evidence and witnesses on your own behalf and
 cross-examine witnesses who appear at the hearing. The
 United States may present evidence and witnesses in
 rebuttal and in defense of its claim to the properties and
 cross-examine witnesses who appear at the hearing. In
 addition to testimony and evidence presented at the
 hearing, the Court shall consider the relevant portions of
 the record of the criminal cases which resulted in the
 Preliminary Order of Forfeiture.

If, after the hearing, the Court determines that the
 petitioner has established by a preponderance of the
 evidence that: (a) the petitioner has a legal right, title or
 interest in properties, and such right, title or interest
 renders the Preliminary Order of Forfeiture invalid in
 whole or in part because the right, title or interest was
 vested in the petitioner rather than the defendant or was
 superior to any right, title or interest of the defendant at
 the time of the commission of the acts which gave rise to
 the forfeiture of the properties; or (b) the petitioner is a
 bona fide purchaser for value of the right, title or interest
 in the properties and was at the time of purchase
 reasonably without cause to believe that the properties
 were subject to forfeiture; the Court shall further amend
 the Preliminary Order of Forfeiture in accordance with its
 determination.

IF YOU FAIL TO FILE A PETITION TO ASSERT YOUR
 RIGHT, TITLE OR INTEREST IN THE ABOVE-DESCRIBED
 PROPERTIES WITHIN THIRTY (30) DAYS OF THIS NOTICE,
 YOUR RIGHT TITLE AND INTEREST IN THESE PROPERTIES
 SHALL BE LOST AND FORFEITED TO THE UNITED STATES
 OF AMERICA. THE UNITED STATES THEN SHALL HAVE
 CLEAR TITLE TO THE PROPERTIES HEREIN DESCRIBED
 AND MAY WARRANT GOOD TITLE TO ANY SUBSEQUENT
 PURCHASE OR TRANSFEREE. (2005513041 11/23, 11/30, 12/7/07)